

EXHIBIT 7

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

MICHAEL MCGREGOR, ZACHARY GIAMBALVO, PAUL
FELICE, MATTHEW OLIVIERI, EDWARD NEWMAN, and
DARKSTORM INDUSTRIES, LLC,

Plaintiffs, Index No,
23 Civ. 01130
-against- (GRB) (ARL)

SUFFOLK COUNTY, New York, Police
Commissioner RODNEY HARRISON, in his
Official Capacity and Individually, MICHAEL
KOMOROWSKI, Individually, and Acting
Superintendent STEVEN G. JAMES, in his
Official Capacity,

Defendants.

-----x

Federal Court Plaza
Central Islip, New York

October 24, 2024
11:02 a.m.

Deposition of Defendant, MICHAEL
KOMOROWSKI, pursuant to Court Order,
before Diana Mitchell, a Notary Public
of the State of New York.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A Yes.

Q Do you recall the date,
approximately, of when that affidavit was
given?

A No.

Q One thing I didn't mention is
that if you need to take a break at any
time, feel free to do that for any
reason, but if there is a question that's
pending, I would ask that you respond and
give your answer first before taking your
break, and then upon returning from the
break if you need to clarify or change or
modify your answer, you can definitely do
that, okay?

A Yes.

Q Where are you currently
employed?

A Suffolk County Police
Department.

Q What is your current
assignment?

A Commanding officer of the
pistol licensing bureau.

1
2 Q How long have you held that
3 position?

4 A Six and a half years.

5 Q Who do you report to?

6 A The chief of operations
7 office.

8 Q And his name?

9 A The chief is Michael
10 Romanolli, and the inspector is Steve
11 Weber.

12 Q Can we agree that the
13 licensing officer statutorily in Suffolk
14 County in the area that Suffolk County
15 Police Department has jurisdiction over
16 is the police commissioner himself?

17 A Yes.

18 Q Presently are you his
19 designee with regard to pistol licensing
20 issues?

21 A Yes.

22 Q Who do you supervise
23 generally, I don't need names, but
24 generally, who do you supervise?

25 A The police officers,

1
2 applicant investigators, civilian
3 employees of the pistol licensing office
4 or bureau.

5 Q What are your duties as the
6 commanding officer?

7 A To see that policies of the
8 police department are fulfilled.

9 Q Generally on a day-to-day
10 basis, what are your duties and
11 responsibilities?

12 A Overseeing the office to make
13 sure people are properly working, doing
14 the job they're supposed to be doing,
15 signing off on possibly suspensions or
16 approvals, disapprovals.

17 Q So generally, I would like to
18 break the questions down into time
19 periods for purposes of the deposition,
20 so first I would like to start with the
21 licensing process as it existed
22 pre-Bruen, pre-fall of 2022. Can you
23 just describe how one would apply for a
24 pistol license and what the process would
25 be?

1
2 restrictions licenses, would the
3 licensee's employer information also be
4 noted on the physical license?

5 A Yes.

6 Q Where would it be noted?

7 A On the back.

8 Q On the top --

9 A Yes.

10 Q -- section? Okay.

11 When you first arrived at the
12 licensing bureau six and a half years
13 ago, did the licensing bureau have the
14 ability to put or type in or have printed
15 the employer information on the back of
16 an employment restricted pistol license?

17 A Yes.

18 Q And in that same time period
19 when you got to the pistol licensing
20 bureau, did the system allow for the
21 restrictions to be identified on the
22 front of the pistol license, target
23 shooting, sportsman, employment?

24 A Yes.

25 Q In the computer system, if

1
2 you know, if you don't know, you just,
3 I'm sure, will let me know, are there
4 drop downs for employment or target or
5 sportsman such that it just has to be
6 checked in or is that something that can
7 be typed in onto the front of the license
8 itself?

9 A There is no drop downs, there
10 is boxes that you check.

11 Q Okay.

12 A So you could check multiple
13 boxes and it would print it out.

14 Q And there would be a box for
15 employment or a box for sportsman, that
16 kind of thing?

17 A Yes.

18 Q Okay.

19 At that point in time was it
20 possible to add a new box or is there
21 another box that could be checked?

22 A No.

23 Q You couldn't add a new box?

24 A No.

25 Q With regard to the area in

1
2 the computer system where you would note
3 the employer information, is that just
4 something that was typed in as a
5 narrative?

6 A Yes.

7 Q So anything could be written
8 in in that area?

9 A Yes.

10 Q I'm just going to switch
11 gears a little bit.

12 You're familiar with the term
13 FFL --

14 A Yes.

15 Q -- or Federal Firearms
16 Licensee?

17 A Yes.

18 Q Typically, someone would go
19 buy handguns or ammunition or long guns,
20 they have an FFL that's issued by the
21 ATF?

22 A Yes.

23 Q Does Suffolk County, the
24 licensing bureau or the police
25 department, have any kind of regulatory

1
2 authority or supervision other the FFL
3 agencies in their county?

4 A Just somebody that has an
5 FFL, no.

6 Q Is that, in your
7 understanding, is that something that's
8 just regulated through the state or the
9 New York State Police?

10 A It's the ATF, FFL's we're
11 talking about?

12 Q Yes.

13 A Straight not dealers, just
14 FFL's?

15 Q Okay, fine, yes, to make that
16 distinction, a gun store who is selling
17 handguns, and in addition, other
18 firearms, long guns, they are required
19 also to be licensed in New York State?

20 A Yes.

21 Q So in that capacity they're
22 regulated and supervised by the New York
23 State Police?

24 A By us, Suffolk County Police.

25 Q Can you just describe what

1
2 the authority is, and is it the Suffolk
3 County Police or is it the licensing
4 bureau?

5 A The licensing bureau.

6 Q Generally, how is that
7 regulated? I don't know anything about
8 that relationship, so...

9 A So if somebody wants a
10 dealer -- a dealer for handguns or
11 semiautomatic rifles now, they would have
12 to apply with us after they get the FFL
13 for a dealer license. Then we would send
14 one of -- we have two individuals that do
15 dealer licenses right now. I think
16 there's 30 dealers right now in Suffolk
17 County or our police district anyway. We
18 regulate them, we give them rules and
19 regulations, and we tell them -- we give
20 them a handbook, too. They have a
21 handbook, and we go out to the location,
22 check the location, make sure it's got
23 security systems, cameras. The guns will
24 be locked up, and then once a year we go
25 out and check the areas, check their

books, make sure the guns are logged in, logged out and then that they're sending all the information they should be to the state.

Q When you say sending to the state, do you mean the New York State Police?

A Yes.

Q So would you say that, as far as oversight, that the licensing bureau is kind of acting, I guess, according to state law in making sure that the state laws are being enforced in the same way that the ATF would be making sure the federal laws are enforced?

A Yes.

Q Is it kind of a symbiotic oversight?

A Yes.

Q In that capacity, does the New York State Police have that type of oversight as well, do they come in and do inspections of the gun stores?

A I've never seen them do that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q You don't know?

A I don't know.

Q The handbook and the rules and regulations, do they speak to, I am sure they say a lot, but do they speak to pointing out or advising the gun stores that if someone does not have a pistol license that they're not even allowed to handle the firearms in the store?

A I'm sure they do. I haven't looked at them in a long time, so...

Q Okay, that's fair. From an enforcement point of view, would it be, in your understanding, would it be a violation for a gun store to allow an individual to handle a handgun or purchase a handgun if they did not have a pistol license?

A Yes.

Q Is that something that could lead to suspension of their license or revocation of their dealer's license?

A Yes.

Q Now I am going to switch

someone to take possession of a rifle?

A Can I describe them?

Q Yes, did anything change?

A I sat down with the chief, the inspector, we discussed the law itself, and then they said they would get back to me because they had to talk to the commissioner and legal bureau.

Q Did this discussion, or these discussions, begin in July of 2022 or not until September of 2022; in other words, was there preparation for the enactment of the bill?

A Yes, there was preparation.

Q What generally were the discussions between, you know, yourself and the chief and the inspector?

A With me it was this is what we have to do, we have to give licenses for semiautomatic rifles, we have to come up with a policy to do this. Here's the law, it's all yours. I don't make policies, so...

Q Was it your position during

1
2 your discussions with the chief and the
3 inspector that a pistol license was
4 sufficient authorization for an
5 individual to go to a gun store and
6 purchase and/or take possession of a
7 semiautomatic rifle?

8 A Yes.

9 Q Was that also the
10 understanding or did the chief and the
11 inspector agree with you?

12 A Yes.

13 Q Did you ultimately eventually
14 come to the realization that a pistol
15 license was not sufficient authorization
16 to allow someone to take possession of a
17 rifle or to purchase a semiautomatic
18 rifle at the gun store?

19 A No.

20 Q You still think a pistol
21 license that's not been endorsed is
22 sufficient to take possession of a
23 semiautomatic rifle?

24 A They're endorsed now.

25 Q Yes, now. We're not in the

1
2 now timeframe. We're now back in the
3 September 2022 timeframe. For that whole
4 year, September 2022 through September
5 2023, there were no endorsements put onto
6 pistol licenses to allow the licensee to
7 purchase or take possession of
8 semiautomatic rifles?

9 A Correct, yes.

10 Q And so that was your
11 understanding at the time, but looking
12 back now do you see that there was no
13 authority for individuals who did not
14 have an endorsement on their pistol
15 license to go to the gun store and
16 purchase or take possession of a
17 semiautomatic rifle?

18 A There was authority.

19 Q I'm sorry?

20 A There was.

21 Q What was the authority?

22 A The dealer would call us and
23 ask if the person could do it, and we
24 said yes.

25 Q So you overrode the state

1
2 it was Sergeant -- one of the sergeants.

3 I don't even know what his name was.

4 Q Up where, in which
5 department?

6 A Pistol licensing.

7 Q In fact, between September of
8 2022 and September of 2023, you did have
9 the ability to put the words
10 Semiautomatic Rifle on the back of the
11 pistol license --

12 A Yes, we did.

13 Q -- isn't that correct?

14 A Yes.

15 Q So when you said you couldn't
16 put it on the pistol license, that was
17 not exactly correct?

18 A No, we couldn't put it on the
19 front of the pistol license. Where it
20 said Pistol, Employment, Semiautomatic
21 Rifle, we couldn't put it there. It
22 would say Class of License.

23 Q But it was always able to be
24 reflected on the back of the handgun
25 license, correct?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A In the comments, yes.

Q As it is now?

A Yes.

Q I am showing you what has been marked as Exhibit 10. If you can just take a look at that.

MR. MORELLI: I'm sure after we're done you will give us copies of the marked exhibits?

MS. BELLANTONI: Yes. Yes.

Q Have you had a chance to look over this exhibit?

A Yes.

Q So this is taken right from the New York State Police website, and under the resources for gun dealers where it indicates semiautomatic rifle license, and the question is, "Can a dealer transfer a semiautomatic rifle to a customer who has a pistol license but not a semiautomatic rifle license?" And the New York State Police position on their website is, "No, a dealer can only sell a semiautomatic rifle to a customer if that

1
2 the implementation of the SAR law.
3 These are questions about the
4 Fatality Act, which are not
5 relevant to this lawsuit.

6 MS. BELLANTONI: Understood.
7 Thank you.

8 MR. MORELLI: I just want to
9 note for the record, that it was
10 section 3-a.

11 MS. BELLANTONI: It is 3-a.
12 Thank you for that.

13 MR. MORELLI: 265.20(3-a).

14 Q So did there come a time
15 where the licensing bureau began to
16 endorse existing pistol licenses to allow
17 for individuals to purchase or take
18 possession of semiautomatic rifles?

19 A Yes.

20 Q When was that?

21 A I believe it was in 2023,
22 maybe August, September.

23 Q How was the decision to begin
24 endorsing pistol licenses reached?

25 A We sat down with the chiefs

again, advised them we had to do something with this to put the semiautomatic rifle on the pistol license itself, and they agreed to put it on the back.

Q Is it possible for an individual who has no license to apply to the licensing bureau solely for a semiautomatic rifle license?

A Yes.

Q When did that ability begin to take place?

A Since the law was enacted.

Q Are you telling me that in September of 2022 an individual could apply to the licensing bureau who did not want a pistol license could apply and obtain a rifle license?

A Yes.

Q What would that license look like?

A That would be a problem.

Q Tell me.

A It wouldn't say anything on

1
2 Q Let me show you what has been
3 marked as Exhibit 5. Is this a picture
4 of a Suffolk County Pistol License --

5 A Yes, it is.

6 Q -- issued by the Suffolk
7 County Pistol Licensing Bureau of the
8 Suffolk County Police Department?

9 A It is.

10 Q I only make that distinction
11 because Suffolk County could also include
12 the sheriff, and this is not a sheriff's
13 license, correct?

14 A Yes.

15 Q If you look at the top left
16 corner of the exhibit and the license, do
17 you see where it says Pistol License?

18 A Yes.

19 Q Does the licensing bureau
20 have the ability to issue a license that
21 does not have the words Pistol License
22 reflected on the top left-hand portion of
23 this license that's depicted in the
24 exhibit?

25 A Not to my knowledge.

1
2 Q So any license that's issued
3 by the licensing bureau and every license
4 issued by the licensing bureau to the
5 present day contains the words Pistol
6 License on the top left-hand corner; is
7 that accurate?

8 A Yes.

9 Q Now turning to an endorsed
10 pistol license, is it the same process in
11 the pistol licensing bureau for an
12 individual who is applying to have their
13 license amended to reflect the rifle
14 endorsement or who is applying anew to
15 get both a pistol and rifle license the
16 same process for how your office
17 processes them?

18 A As of today, no.

19 Q Up until last week?

20 A Yes.

21 Q If a non-licensed individual
22 applied for a pistol license and rifle
23 license, would they go through the same
24 process that you described earlier,
25 whether we are talking about last week or

1
2 before yesterday, they would go through
3 and fill out the questionnaire, file
4 their filing fee, wait for an
5 investigator to be assigned and then for
6 their fingerprinting, an interview, and
7 then be given the state police
8 application to obtain their character
9 references, have their character
10 reference forms filled out and then
11 submit all that back to the investigator,
12 is that the same process?

13 A Yes.

14 Q And for the semiautomatic
15 rifle portion of the license or of the
16 process, is it also the same, would the
17 individual go to the gun store with their
18 endorsed license and purchase a
19 semiautomatic rifle, take the purchase or
20 bill of sale back to Yaphank for the
21 semiautomatic rifle to be placed on or
22 reflected on the back of their license
23 just like they would with the handgun?

24 A Yes.

25 Q So that was the long way of

1 asking is Suffolk County requiring
2 semiautomatic rifles that are acquired or
3 that are obtained, purchased to be
4 registered to the back of the state
5 license?
6

7 A Yes.

8 Q Are you aware of the fact
9 that there are other counties that are
10 not requiring such registration for the
11 semiautomatic rifle?

12 A Yes.

13 Q What is the reason behind
14 Suffolk County requiring the
15 semiautomatic rifles to be registered to
16 the license?

17 A That would be a policy
18 decision and that's above me.

19 Q Who told you that that was a
20 policy that needed to be enforced?

21 A The chiefs at that time.

22 Q Who are they?

23 A Chief Lewis and I believe
24 Inspector Bergold was there.

25 Q How do you spell the

1
2 inspector's name?

3 A Bergold, B-E-R-G-O-L-D.

4 Q So then for every purchase of
5 a receipt or transfer of a semiautomatic
6 rifle, an individual would be required to
7 get permission from the licensing bureau
8 to have their license amended to have
9 that rifle put on the back of their
10 license and then go back to the store to
11 pick it up; is that correct?

12 A Yes.

13 Q Without having the license
14 amended or without first seeking
15 permission from the licensing bureau and
16 getting the license amended and getting
17 that, I guess there is a ticket that they
18 have to bring back to the gun store?

19 A It's a purchase document.

20 Q And the purchase document
21 essentially says you have permission to
22 go and pick up the gun, correct?

23 A Yes, we check to make sure
24 the license is valid, and then we give
25 them a purchase document.

1
2 Q That's the same whether it's
3 a handgun or a semiautomatic rifle?

4 A Yes.

5 Q If someone applied for a
6 pistol license and was denied prior - I'm
7 not talking about the new changes, we're
8 going to get to the new changes - if
9 someone applied for a pistol license and
10 was denied and nothing changed, their
11 background was the same, the reasons they
12 were denied were the same, and they tried
13 to reapply only for the semiautomatic
14 rifle license, assuming that there was
15 one, would that be a futile exercise; in
16 other words, their reapplication based on
17 the same information, is there a
18 difference in criteria between whether
19 they're going to be approved for a pistol
20 license or whether they're going to be
21 approved for the rifle license?

22 A No.

23 Q It's the same criteria,
24 right?

25 A Same.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q Same standards?

A Yes.

Q I am going to show you what has been marked as Exhibits 7 and 8. Apologies, they're a little dark. I couldn't get a lighter version.

MR. MORELLI: Is the Giambalvo 7?

MS. BELLANTONI: Yes.

Q Have you had a chance to look at Exhibits 7 and 8?

A Yes.

Q I know they're dark, but so can we agree these are notices of disapproval for two of the plaintiffs in this matter, Zachary Giambalvo and Paul Felice?

A Yes.

Q Can we agree that these are notices of disapproval denying their applications for a New York State pistol license?

A Yes.

Q You signed both of them?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A Yes.

Q I know your name is cut off on the bottom of Exhibit 7, but that's your signature?

A Yup.

Q Just along the same lines as what we were talking about before, why the criteria for obtaining a handgun license is the same as the criteria for obtaining a license to purchase or possess semiautomatic rifles, if Mr. Giambalvo and Mr. Felice reapplied for a rifle license and nothing had changed, can we agree that their application for a rifle license would also be denied because it's the same criteria?

A This one I can't read what he was disapproved for, but yes, I think this was a doctor's note.

Q Yes.

A Yes.

Q That was Felice?

A Yes.

1
2 A Bowen. There is a box here
3 for semiautomatic. I didn't see it.

4 Q I knew you'd get to it.

5 A Ours is nice and blue and
6 colorful when we print it out. Anyway.

7 Q So again, I know I have asked
8 it before but I really am curious, if
9 someone drops off a state application
10 which they're only allowed to check the
11 Semiautomatic box and they're approved,
12 what does the license look like on the
13 other side, if we have already
14 established that Suffolk County can't
15 take the word Pistol off the top left
16 corner of the license?

17 A Well, hopefully by the time
18 we get one and it goes through we'll have
19 a new computer system and it will say
20 semiautomatic rifle hopefully. That's
21 the whole issue here, we don't have the
22 computer system that can do this. The
23 one that we were attempting to purchase
24 failed and now we have another computer
25 system coming.

pistol license to add the
semiautomatic endorsement.

BY MS. BELLANTONI:

Q Lieutenant, in listening to
the Exhibit 4 we referenced from the
summary judgment motion, that phone call,
did that accurately reflect the policy
that was in the licensing bureau in and
around September of 2022, and that the
sportsman license was sufficient and that
all semiautomatics would be registered to
the back of the license?

A Yes.

(Audio playing.)

"RECORDING: -- hang up and
call 9-1-1.

You have reached the Pistol
Licensing Bureau of the Suffolk
County Police Department
Headquarters. Our days and hours
of operation are Monday through
Friday, 9 a.m. to 4:30 p.m. The
offices are closed Thanksgiving,
Christmas and New Year's Day.